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Opinion

Title **Impact Assessment on: Commission Regulation implementing Directive 2005/32/EC with regard to household refrigerating appliances**

(draft version of 12 January 2009)

Lead DG **DG TREN**

1) Impact Assessment Board Opinion

(A) Context

The Ecodesign Framework Directive 2005/32/EC lists products which have been identified by the Council and the European Parliament as priorities for the Commission for implementation. The list is based on the European Climate Change Programme which has identified products offering a high potential for cost-effective improvements of energy performance and reductions of CO₂ emissions, and includes consumer electronics (Article 16). Refrigerators and freezers are two of the most important consumer product categories in this respect.

Additionally, in the EU Economic Recovery Plan the Commission committed itself to a quick delivery of a measure concerning refrigerators, in the context of promoting a rapid take-up of "green products".

(B) Positive aspects

The IA report is well written and in general contains an adequate and proportionate analysis. The policy options are well structured and compared against a consistent set of criteria. The views of stakeholders are clearly reported. The IA also contains results from a consumer survey on the decisive factors when purchasing such household goods.

The IA to a large extent follows the analytical steps based on the requirements of the Directive and an earlier support from the Impact Assessment Board.

(C) Main recommendations for improvements

The recommendations below are listed in order of descending importance.

General recommendation: While the draft IA report contains an appropriate analysis of major impacts, several issues should be developed in the final version. The extension of the

measure to include other appliances such as wine coolers needs a more thorough discussion and the assessment of impacts should be treated more rigorously. The specific and operational objectives need to correspond to the identified problems. The option of a revision of the labelling scheme alone should be analysed. The impact on third countries and on administrative burden should be discussed in more depth.

(1) Potential extension of the measure to cover new type of appliances requires a more rigorous discussion. It should be made clear throughout the IA, whether the new type appliances (absorption-type, wine coolers, etc) are included in the various figures or not (such as baseline scenario, impact on trade, expenditure scenarios, etc). Sales of absorption-type appliances (200,000-300,000) appear to be very close to the threshold required in by the directive (200,000); the IA should provide more information regarding the confidence level in the data on sales.

(2) The specific and operational objectives require reformulating. All objectives should be reflected in the problem definition. Specific objectives referring to low R&D outlays and to appliance affordability are currently analysed implicitly in the problem definition; either objectives need to be reformulated or the problem analysis upgraded. The operational objective referring to the need for a level playing field does not follow from the problem definition, and it seems that it should be dropped altogether (since there are already minimum requirements in place and the objectives should not prejudice the outcome of the subsequent analysis).

(3) The impact of the revised labels and product requirements on the production process needs to be discussed. According to the IA, the use phase is responsible for about 72% of environmental impacts. The remaining 28% seem to be left unaddressed by the proposed measures. Therefore the IA should also address the environmental impacts that may result from changes in production due to the new product requirements.

(4) The option of a revision of the labelling scheme alone should be analysed. The IA report should not discard a revision of the labelling scheme alone without analysis. The current reference to the specific mandate should not be the main reason for discarding the option. In light of the high percentage of consumers attaching importance to the electricity consumption of household appliances (as shown in figure 3), the report should analyse to what extent consumer demand would be sufficient to drive improvements in energy efficiency provided that the labelling scheme would be revised to differentiate better between performance levels.

(5) Relations to international standards and impacts on global competitiveness could be clarified. The IA should attempt to estimate how new measures may influence trade patterns and the trade balance (in the respective sector).

(6) The assessment of administrative costs needs to be clarified. The testing costs (currently under point 6.2.7) should be moved to the assessment of the economic costs, and not be reported as administrative burden. The assessment needs to be clearer about what new information obligations would be created for business and about who will bear the market surveillance costs.

(7) Some methodological aspects should be presented with a greater transparency. Firstly, table 6 (under 2.2) referring to the baseline scenario shows that energy efficiency improvement of the overall stock (last row) between 1990-2005 was about 19%, and it is expected to improve by a further 32% between 2005 and 2020. This suggests that the expected improvement will be quicker than the historical improvement, and stands at odds with the text under the table. Secondly, the composition of the energy efficiency index (EEI) and the impact it may have at promoting certain size/class of the appliances needs to be explained.

(D) Procedure and presentation

The IA report should be substantially shortened, e.g. by moving some of the tables to annexes, in order to respect the maximum length of 30 pages recommended by the guidelines.

2) IAB scrutiny process

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